

CLOSED,PAPER_REQUIRED

**U.S. District Court
Northern District of Texas (Fort Worth)
CIVIL DOCKET FOR CASE #: 4:18-cv-00156-A**

Motivating Graphics LLC v. Internal Revenue Service
Assigned to: Judge John McBryde
Cause: 05:552 Freedom of Information Act

Date Filed: 02/23/2018
Date Terminated: 03/08/2019
Jury Demand: None
Nature of Suit: 895 Other Statutes:
Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Motivating Graphics LLC
formerly known as
Motivating Graphics III, Inc

represented by **Lawrence Brown**
Brown PC
500 Main St
Suite 400
Fort Worth, TX 76102
817/870-0025
Fax: 817/870-0515
Email: lawrence.brown@browntax.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cynthia A Cook
Brown PC
500 Main Street
Suite 400
Fort Worth, TX 76102
817/870-0025
Fax: 817/870-0515
Email: cynthia.cook@brownpc.com
ATTORNEY TO BE NOTICED

V.

Defendant**Internal Revenue Service**

represented by **Matthew B. Miller**
U.S. Department of Justice, Tax Division
PO Box 227
Ben Franklin Station
Washington, DC 20044
202-616-3448
Fax: 202-514-6866
Email: Matthew.B.Miller@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/23/2018	<u>1</u>	COMPLAINT against Internal Revenue Service filed by Motivating Graphics LLC. (Filing fee \$400; Receipt number 0539-9010333) Clerk to issue summons(es). In each Notice of Electronic Filing, the judge assignment is indicated, and a link to the <u>Judges Copy Requirements</u> is provided. The court reminds the filer that any required copy of this and future documents must be delivered to the judge, in the manner prescribed, within three business days of filing. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms, instructions, and exemption information may be found at www.txnd.uscourts.gov , or by clicking here: <u>Attorney Information - Bar Membership</u> . If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge. (Attachments: # <u>1</u> Exhibit(s), # <u>2</u> Cover Sheet) (Brown, Lawrence) (Entered: 02/23/2018)

		02/23/2018)
02/23/2018	<u>2</u>	CERTIFICATE OF INTERESTED PERSONS/DISCLOSURE STATEMENT by Motivating Graphics LLC. (Brown, Lawrence) (Entered: 02/23/2018)
02/23/2018	<u>3</u>	ADDITIONAL ATTACHMENTS to <u>1</u> Complaint,,, Amended Civil Cover Sheet by Plaintiff Motivating Graphics LLC. (Brown, Lawrence) (Entered: 02/23/2018)
02/23/2018	<u>4</u>	New Case Notes: A filing fee has been paid. File to Judge O Connor. Pursuant to Misc. Order 6, Plaintiff is provided the Notice of Right to Consent to Proceed Before A U.S. Magistrate Judge. Clerk to provide copy to plaintiff if not received electronically. (npk) (Entered: 02/23/2018)
02/23/2018	<u>5</u>	Summons Issued as to Internal Revenue Service. (npk) (Entered: 02/23/2018)
03/22/2018	<u>6</u>	NOTICE of Attorney Appearance by Matthew B. Miller on behalf of Internal Revenue Service. (Filer confirms contact info in ECF is current.) (Miller, Matthew) (Entered: 03/22/2018)
03/26/2018	<u>7</u>	ORDER REQUIRING SCHEDULING CONFERENCE AND REPORT FOR CONTENTS OF SCHEDULING ORDER: The Joint Report shall be filed on or before April 23, 2018. (Ordered by Judge Reed C. O'Connor on 3/26/2018) (skg) (Entered: 03/26/2018)
03/26/2018	<u>8</u>	Unopposed Motion for Extension of Time to File Answer <i>or Otherwise Respond to Complaint</i> filed by Internal Revenue Service (Attachments: # <u>1</u> Proposed Order) (Miller, Matthew) (Entered: 03/26/2018)
03/28/2018	<u>9</u>	SUMMONS Returned Executed as to Internal Revenue Service ; served on 2/26/2018. (Brown, Lawrence) (Entered: 03/28/2018)
03/28/2018	<u>10</u>	SUMMONS Returned Executed. (Brown, Lawrence) (Entered: 03/28/2018)
03/28/2018	<u>11</u>	SUMMONS Returned Executed. (Brown, Lawrence) (Entered: 03/28/2018)
03/28/2018	<u>12</u>	SUMMONS Returned Executed. (Brown, Lawrence) (Entered: 03/28/2018)
03/28/2018	<u>13</u>	ORDER granting <u>8</u> Motion for Extension of Time to File Answer Internal Revenue Service answer due 4/4/2018. (Ordered by Judge Reed C. O'Connor on 3/28/2018) (skg) (Entered: 03/29/2018)
03/28/2018	<u>14</u>	ORDER REQUIRING SCHEDULING CONFERENCE AND REPORT FOR CONTENTS OF SCHEDULING ORDER: The Joint Report shall be filed on or before April 25, 2018. (Ordered by Judge Reed C. O'Connor on 3/28/2018) (skg) (Entered: 03/29/2018)
04/04/2018	<u>15</u>	ANSWER to <u>1</u> Complaint,,, filed by Internal Revenue Service. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms and Instructions found at www.txnd.uscourts.gov , or by clicking here: Attorney Information – Bar Membership . If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge. (Miller, Matthew) (Entered: 04/04/2018)
04/04/2018	<u>16</u>	CERTIFICATE OF INTERESTED PERSONS/DISCLOSURE STATEMENT by Internal Revenue Service. (Miller, Matthew) (Entered: 04/04/2018)
04/12/2018	<u>17</u>	Joint MOTION for Extension of Time to File Joint Report filed by Motivating Graphics LLC (Brown, Lawrence) (Entered: 04/12/2018)
04/12/2018	<u>18</u>	ORDER granting <u>17</u> Joint Motion for Extension of Time to File Joint Status Report. Joint Status Report due by 5/23/2018. (Ordered by Judge Reed C. O'Connor on 4/12/2018) (plp) Modified text on 4/16/2018 (tln). (Entered: 04/13/2018)
05/23/2018	<u>19</u>	Joint STATUS REPORT <i>Regarding Contents of Scheduling Order</i> filed by Motivating Graphics LLC. (Brown, Lawrence) (Entered: 05/23/2018)
05/24/2018	<u>20</u>	ORDER: The above-styled and numbered cases are TRANSFERRED to the docket of the Honorable Judge John McBryde, and shall henceforth carry the letter code "A." (Ordered by Judge Reed C. O'Connor on 5/24/2018) (skg) (Entered: 05/24/2018)

05/25/2018	<u>21</u>	Standing ORDER Concerning Paper Filing in Cases Assigned to District Judge John McBryde...see order for specifics. (Ordered by Judge John McBryde on 5/25/2018) (npk) (Entered: 05/25/2018)
05/25/2018	<u>22</u>	ORDER: The above-captioned actions have been transferred to the docket of the undersigned because they relate to No. 4:18-CV-151-A, styled "Ray G. Clark, et al. v. Internal Revenue Service." Based on the joint report regarding contents of scheduling order filed in No. 4:18-CV-156-A, it appears that counsel are prepared to proceed on a schedule similar to the one set in No. 4:18-CV-151-A. Accordingly, the court is issuing an order setting schedule and providing special pretrial instructions in each case that will parallel the schedule set in the first-filed case. And, it will not be necessary for the parties to file a joint report in No. 4:18-CV-153-A. The court ORDERS that the order of March 28, 2018, as amended by order signed April 12, 2018, in No. 4:18-CV-153-A, be, and is hereby, set aside and vacated. (Ordered by Judge John McBryde on 5/25/2018) (npk) (Entered: 05/25/2018)
05/25/2018	<u>23</u>	ORDER SETTING SCHEDULE AND PROVIDING SPECIAL PRETRIAL INSTRUCTIONS: Amended Pleadings due by 10/17/2018. Discovery due by 12/17/2018. Pretrial Conference set for 1/7/2019 09:30 AM before Judge John McBryde. Docket Call set for 2/11/2019 09:00 AM before Judge John McBryde. (Ordered by Judge John McBryde on 5/25/2018) (npk) (Entered: 05/25/2018)
10/18/2018	<u>24</u>	Unopposed MOTION to Amend <u>23</u> Scheduling Order, filed by Internal Revenue Service (npk) (Entered: 10/18/2018)
10/18/2018	<u>25</u>	DECLARATION OF CHRISTOPHER P. VALVARDI re <u>24</u> MOTION to Amend <u>23</u> Scheduling Order, by Internal Revenue Service. (npk) (Entered: 10/18/2018)
10/22/2018	<u>26</u>	ORDER: The court ORDERS that the unopposed <u>24</u> motion to amend scheduling order be, and is hereby, granted in part, and the deadline for filing motions for summary judgment be, and is hereby, extended to November 21, 2018. The court further ORDERS that the motion be, and is hereby, otherwise denied. (Ordered by Senior Judge John McBryde on 10/22/2018) (bdb) (Entered: 10/22/2018)
11/21/2018	<u>27</u>	MOTION for Summary Judgment filed by Internal Revenue Service. (bdb) (Entered: 11/21/2018)
11/21/2018	<u>28</u>	Brief in Support filed by Internal Revenue Service re <u>27</u> MOTION for Summary Judgment. (bdb) (Entered: 11/21/2018)
11/21/2018	<u>29</u>	Appendix in Support filed by Internal Revenue Service re <u>27</u> MOTION for Summary Judgment. (bdb) (Entered: 11/21/2018)
12/03/2018	<u>30</u>	MOTION for Protective Order filed by Internal Revenue Service (npk) (Entered: 12/03/2018)
12/03/2018	<u>31</u>	Brief/Memorandum in Support filed by Internal Revenue Service re <u>30</u> MOTION for Protective Order (npk) (Entered: 12/03/2018)
12/03/2018	<u>32</u>	Appendix in Support filed by Internal Revenue Service re <u>30</u> MOTION for Protective Order (npk) (Entered: 12/03/2018)
12/07/2018	<u>33</u>	RESPONSE filed by Motivating Graphics LLC re: <u>27</u> MOTION for Summary Judgment, and request for in camera inspection or a Vaughn index (npk) (Entered: 12/07/2018)
12/07/2018	<u>34</u>	Brief/Memorandum in Support filed by Motivating Graphics LLC re <u>33</u> Response (npk) (Entered: 12/07/2018)
12/07/2018	<u>35</u>	Appendix in Support filed by Motivating Graphics LLC re <u>34</u> Brief/Memorandum in Support of Motion (npk) (Entered: 12/07/2018)
12/20/2018	<u>36</u>	REPLY filed by Internal Revenue Service re: <u>27</u> MOTION for Summary Judgment (npk) (Entered: 12/20/2018)
12/20/2018	<u>37</u>	Appendix in Support filed by Internal Revenue Service re <u>36</u> Reply (npk) (Entered: 12/20/2018)

12/21/2018	<u>38</u>	RESPONSE filed by Motivating Graphics LLC re: <u>30</u> MOTION for Protective Order (npk) (Entered: 12/21/2018)
12/21/2018	<u>39</u>	Brief/Memorandum in Support filed by Motivating Graphics LLC re <u>38</u> Response/Objection (npk) (Entered: 12/21/2018)
12/21/2018	<u>40</u>	Appendix in Support filed by Motivating Graphics LLC re <u>39</u> Brief/Memorandum in Support of Motion (npk) (Entered: 12/21/2018)
12/21/2018	<u>41</u>	DECLARATION OF CYNTHIA A. COOK by Motivating Graphics LLC. (npk) (Entered: 12/21/2018)
12/27/2018	<u>42</u>	Joint MOTION for a Stay of all Proceedings and Deadlines filed by Internal Revenue Service, Motivating Graphics LLC. (bdb) (Entered: 12/27/2018)
12/27/2018	<u>43</u>	ORDER: The court ORDERS that the motions for summary judgment <u>27</u> be, and are hereby, denied. The court further ORDERS that defendant's <u>30</u> motions for protective order be, and are hereby, denied. (Ordered by Senior Judge John McBryde on 12/27/2018) (bdb) (Entered: 12/27/2018)
12/27/2018	<u>44</u>	ORDER ON JOINT <u>42</u> MOTION FOR A STAY OF ALL PROCEEDINGS AND DEADLINES IN LIGHT OF LAPSE OF APPROPRIATIONS: The parties have jointly moved for a stay of all proceedings and deadlines. For good cause shown, the motion is GRANTED. All proceedings and deadlines in this case are hereby stayed. (Ordered by Senior Judge John McBryde on 12/27/2018) (bdb) (Entered: 12/27/2018)
01/31/2019	<u>45</u>	ORDER: The court ORDERS that the stay imposed by the court's December 27, 2018, orders be, and is hereby, lifted. The court further ORDERS that the pretrial conferences in each of these actions take place at 10:00 a.m. on April 1, 2019. The court further ORDERS that the trial of each of these actions be, and is hereby, reset for May 13, 2019, with docket call at 9:00 a.m. on that date. In all other respects, the provisions of the orders setting schedule and providing special pretrial instructions (as previously amended) in each of these actions remain in full force and effect. (Ordered by Senior Judge John McBryde on 1/31/2019) (bdb) (Entered: 01/31/2019)
03/07/2019	<u>46</u>	STIPULATION OF DISMISSAL by Internal Revenue Service, Motivating Graphics LLC. (npk) (Entered: 03/07/2019)
03/08/2019	<u>47</u>	FINAL JUDGMENT: In accordance with the joint stipulation of dismissal filed March 7, 2019, and upon confirmation of counsel, The court ORDERS, ADJUDGES, and DECREES that the claims of plaintiff, Motivating Graphics LLC, f/k/a Motivating Graphics, III, Inc., against defendant, Internal Revenue Service, be, and are hereby, dismissed with prejudice. The court further ORDERS, ADJUDGES, and DECREES that each party bear the court costs and attorney's fees incurred by that party. (Ordered by Senior Judge John McBryde on 3/8/2019) (edm) (Entered: 03/08/2019)